

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE REPLY BRIEF

Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, “Smartmatic”), by and through their undersigned counsel, hereby move this Court under Local Rule 7.1(b)(3) for leave to file a reply memorandum in support of its Motion for Leave to Modify Scheduling Order to Allow Limited Depositions After Close of Fact Discovery (ECF No. 300) (the “Motion”). In their Opposition to Smartmatic’s Motion, Defendants make only limited rebuttal of Smartmatic’s arguments and instead spend most of the memorandum introducing new and unrelated matters stylized as their own affirmative motion. (*See* ECF No. 314, Defendants’

Opposition to Plaintiffs' Motion to Modify and Defendants' Motion to Modify the Scheduling Order.)

Smartmatic has separately written to Defendants to urge them to re-file their motion in accordance with Local Rule 7.1(b)(1) so that Smartmatic can properly oppose the motion, including raising its untimeliness due to being filed after the July 9, 2024 cutoff for non-dispositive motions. (*See* Declaration of Timothy M. Frey Exhibit A, July 31, 2024 Email from C. Kachouroff to T. Frey.) Defendants have refused, but they indicated no opposition to Smartmatic's request for a reply memorandum. (*Id.*) To the extent the Court wants to consider the new and unrelated matters raised by Defendants, Smartmatic requests the Court's leave to file a reply memorandum. Smartmatic can file a reply memorandum by August 7, 2024 or by whichever date the Court would require to timely and adequately review.

Dated: August 1, 2024

Respectfully submitted,

/s/ Timothy M. Frey

Christopher K. Larus

Minnesota Bar No. 0226828

CLarus@robinskaplan.com

William E. Manske

Minnesota Bar No. 0392348

WManske@robinskaplan.com

Emily J. Tremblay

Minnesota Bar No. 0395003

ETremblay@robinskaplan.com

ROBINS KAPLAN LLP

800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Telephone: (612) 349-8500

J. Erik Connolly (admitted *pro hac vice*)

EConnolly@beneschlaw.com

Illinois ARDC No. 6269558

Nicole E. Wrigley (admitted *pro hac vice*)

NWrigley@beneschlaw.com

Illinois ARDC No. 6278749

Timothy M. Frey (admitted *pro hac vice*)

TFrey@beneschlaw.com

Illinois ARDC No. 6303335

Julie M. Loftus (admitted *pro hac vice*)

JLoftus@beneschlaw.com

Illinois ARDC No. 6332174

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

71 South Wacker Drive, Suite 1600
Chicago, IL 60606
Telephone: (312) 212-4949

James R. Bedell (admitted *pro hac vice*)

JBedell@beneschlaw.com

Ohio Bar No. 97921

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

127 Public Square, Suite 4900
Cleveland, OH 44114
Telephone: (216) 363-4500

Attorneys for the Plaintiffs